

4.0 PUBLIC COMMENTS AND RESPONSES

4.1 Method for Responding to Comments

The City of Burien (City) held a public hearing on the *Emerald Pointe Draft Environmental Impact Statement* (DEIS) on September 18, 2007, and provided a 45-day public comment period from August 21, 2007, to October 5, 2007. This chapter documents and provides responses to each comment received from public agencies, organizations, nearby residents, and the general public during the public hearing and comment period. Section 4.2 lists the names of those who provided written comments and those who testified at the public hearing. The public comment letters and the public hearing transcript are included in Appendix A. Section 4.3 provides detailed responses to these comments with corrections or clarifications where necessary. Comments received after the October 5, 2007, deadline are not included in this Final EIS (FEIS), but are in the City's official Project file. Section 4.4 provides responses to comments from those who testified at the September 18, 2007, public hearing.

The City received several different types of comments on the Emerald Pointe DEIS. These included several official letters from affected organizations and public jurisdictions, although most of the letters and public hearing comments came from Burien residents or users of Seahurst Park. Comments that express an opinion or preference are acknowledged with a response that indicates the comment is "noted" and will be directed to appropriate decision makers, if applicable. Where a comment requests additional information, clarifications, or corrections, the response provides an explanation of the approach to the analysis or other technical information necessary to address the comment.

4.2 Public Comments

Table 4.2-1 provides a list of the authors who submitted the 58 comment letters (by either mail or e-mail) during the public comment period and a list of persons who testified at the September 18, 2007, public hearing. The table assigns a number to each comment letter that corresponds to the responses provided in Section 4.3.

Table 4.2-1 Summary of DEIS Public Comment Authors

Letter No.	Date	Author
1	10/5/2007	Doug Osterman, Watershed Coordinator, Water Resource Inventory Area 9
2	10/5/2007	David Bricklin, Attorney, Bricklin, Newman, Dold LLP for Sound Vista Condominium Homeowners
3	10/4/2007	Randall Parsons, P.E., Seahurst Environmental, Engineering, and Restoration
4	10/5/2007	Chestine Edgar

Letter No.	Date	Author
5	9/28/2007	Melessa Rogers
6	2/26/2007	Glenn Krantz
7	9/26/2007	Stuart Hanney
8	9/24/2007	Dorothy Shapiro
9	9/23/2007	Laureen Williams
10	9/23/2007	Chris Freeman
11	9/21/2007	Lori Toth
12	9/21/2007	Laura Peters and Gregg Bafundo
13	9/20/2007	William Vukonich
14	9/16/2007	Nancy Hogue
15	9/12/2007	Bea Gomez
16	10/2/2007	George Thornton
17	10/2/2007	Gary McAvoy
18	10/5/2007	Rebecca Dare and Bill Opferman
19	10/5/2007	Michael Willis
20	10/5/2007	Michelle Hawkins
21	9/24/2007	Cindy Willis
22	10/2/2007	Alice Goodman, MCSE
23	9/22/2007	Jane Martin
24	10/3/2007	Nicole Riss, Resource Conservation Specialist, Seattle Public Schools
25	10/3/2007	Laurie Hertzler
26	10/4/2007	Michelle Gaither, Technical Research Coordinator, Pollution Prevention Resource Center
27	9/14/2007	Wolfe Schaaf
28	9/21/2007	Allen and Samantha Cassino
29	9/17/2007	Theresa Lopez
30	9/19/2007	Lori G.
31	9/19/2007	Scott and Molly Forman
32	9/18/2007	Toni Lysen
33	10/5/2007	Sally Hall and Walt Blair
34	9/25/2007	Brian Barnes
35	10/4/2007	Brian Sepal
36	10/4/2007	Melissa and Cecil Casimir
37	10/4/2007	Janis Freudenthal
38	9/28/2007	Maureen Ellis
39	10/5/2007	Derrick Muller
40	10/4/2007	Marv Jahnke
41	10/2/2007	Marsha Tersigni

Letter No.	Date	Author
42	9/13/2007	Catherine Aldridge
43	10/2/2007	Terri Lien
44	10/3/2007	Linda Huddleston
45	10/2/2007	Linda Huddleston
46	9/22/2007	William Tan
47	9/24/2007	Paula O'Neill
48	9/18/2007	M. E. Ellis
49	10/4/2007	Mike and Allison Dostert
50	10/3/2007	David Athearn
51	10/4/2007	Kathi Butler, Sound Vista Condominiums
52	10/4/2007	Judy Healy
53	10/4/2007	Diane Henderson
54	9/30/2007	Diane McLaughlin
55	10/2/2007	David and Lori Tuben
56	10/5/2007	Alissa West
57	10/3/2007	<u>Petition:</u> Margaret Barrett, Joseph Cail, Kevin Deberschott, Kingsley Lysen, Brian Stapleton, Maria Lysen, Antoinette Lipen, Mitch Forrey, Roberta E Mihok, Jack M. Mihok, Patricia G. Haugen, Jean Spohn, Thomas Spohn, Patrick E. Haugen, Heather Peeler, Christopher A. Peeler, Theodore J. Daley, David Davis, Carol Gallagher, Heather Aquino, Mary Daley, Patty Knudsen, Sarah Jean Chinn, Wilbur Chinn, Marvin Jahnke, Margaret Jahnke, Karen Tyree, Ann M. Baus, Mark A. Baus, Carol C. Thomas, Carnot Thomas, Jr., John R. Prentice, Ava R. Prentice, Peggy Johnson, Clara M. McGee, Ardis M. Berg, M.P. Manly, Nancy Nguyen, Maggie Hageman, Lee Kaplanian, Mary L. McCormick, Ralph B. McCormick, Elbert Huntley, K.J. Carter, Dave M. Carver, Evelyn D. Bang, Ronald M. Bang, Renee Bang, Robert S. Dick, Chris Feldt, William G. Harris, Jean V. Harris, Margaret E. Carver, Marlys M. Borough, Francis A. Griffin, David G. Hanneman, Tammara and William Kask, Jane Armstrong, M. Armstrong, Cynthia St. Clair, Paul J. Moffat, Carol Snively
58	10/5/2007	R.W. Thorpe
NA	12/18/2007	<u>Public Hearing Transcript:</u> Catherine Aldridge, Terrence Heil, Bea Gomez, Jim Anzalone, Sheryl Knowles, Cindy Willis, Cindy Miller, Melessa Rogers, Maureen Ellis, Janis Freudenthal, Karl Neal, Toni Lysen, King Lysen, Ashley Rowan, Mark Pival, Robert Thorpe, Kathi Butler, Michael Willis, Linda Huddleston, Nicky Hays Amodeo, Tesfaye Belihu, David Rosser, Glenn Krantz, Lisa Olson, Terry Westmoreland, Brian Stapleton, John Del Vento, Melissa Thomas, King Lysen, Ashley Rowan, Melessa Rogers

The comment letters and public hearing transcript are provided in Appendix A of the FEIS with the comment number marked in the letter's margin adjacent to the comment text. Many letters have several comments that are each numbered in that letter's margin. Responses to each specific comment are located in Sections 4.3 and 4.4 of this chapter.

4.3 Responses to Public Comment Letters

This section provides responses to the comments identified and numbered in the comment letters received by the City of Burien. As described previously, comments that express an opinion or preference are acknowledged with a response that indicates the comment is “noted” and will be directed to appropriate decision makers, as applicable. Where a comment requests additional information, clarifications, or corrections, the response provides an explanation of the approach to the analysis or other technical information necessary to address the comment.

Letter 1: Doug Osterman

1	<u>Watershed Resource Inventory Area 9 Plan</u> : The Applicant has agreed to comply with the 2005 <i>King County Surface Water Design Manual</i> (2005 Manual). Detailed stormwater plans would be submitted for City review as part of construction permits for the Project. The City cannot require compliance with the <i>Watershed Resource Inventory Area 9 Plan</i> , except those portions that are already part of the 2005 Manual.
2	<u>LID Citations</u> : Please see the response to Letter 1, Comment 1.
3	<u>Puget Sound Chinook and the Occupational Skills Center (OSC) Salmon Hatchery</u> : Washington Department of Fish Wildlife data on species listed under the Endangered Species Act (ESA) do not indicate the presence of Puget Sound Chinook on or adjacent to the Project site. Only ESA-listed species known to be present, or potentially present, on or in the vicinity of the Project are evaluated in the DEIS. No impacts on the OSC hatchery are anticipated from the proposed Project.
4	<u>Erosion Potential</u> : Page 3-53 of the DEIS identifies an increased potential for erosion and instability at the point of stormwater discharge and indicates that mitigation may be required to reduce potential erosion. Figure 4 in Appendix B of the Seahurst Park Master Plan also indicates that a portion of the northwest corner of the Project site consists of wet, mobile ground, and may be susceptible to erosion. Standard practices and best management practices (BMPs) to minimize erosion and ensure that site stability would be required as part of building plan review. The Project vested in 1990 to the <i>Draft King County Surface Water Design Manual</i> (later finalized as the 1992 <i>King County Surface Water Design Manual</i>). However, the Applicant and the City have agreed to incorporate the 2005 Manual standards into the ultimate stormwater infrastructure design for the Project. The Project stormwater plan is at a conceptual phase. The building permit process would require a complete set of engineering plans and stormwater reports that meet the standards of the 2005 Manual. There is no information from the existing studies that suggests that the Project would not meet the standards of the 2005 Manual. Both stormwater detention requirements (i.e., quantity), and temporary and permanent erosion control are addressed in the 2005 Manual. Final building and parking configuration and the location and size of detention facilities would be adjusted as Project engineering is refined.
5	<u>Potential Hillside Erosion at Point of Stormwater Discharge</u> : The design of the discharge channel is beyond the scope of the DEIS. The Project would be designed in accordance with State and local building codes. Page 3-53 of the DEIS identifies an

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	increased potential for erosion and instability at the point of discharge and page 3-54 identifies mitigation measures that would be required during construction to reduce potential erosion.
6	<u>Discharge Location</u> : The conceptual stormwater plan shows discharge points from two stormwater detention facilities. The engineering plan and stormwater reports would determine the specific requirements for the number, size, location, and design of these detention facilities and discharge methods and locations. The final engineering design might require tightlining stormwater discharge in pipes to protect against erosion. There is no information from the existing studies that suggest that the Project would not meet the standards of the 2005 Manual.

Letter 2: David Bricklin

1	<u>Vesting</u> : The City has reviewed the Project records and applicable law and has determined that the application's vesting date is February 15, 1990.
2	<u>Legal Access</u> : The property fronts on a public right-of-way, 12 th Avenue SW, and has legal access to that public road.
3	<u>Access Easement</u> : The Westmark Development Corporation is finalizing an agreement with the Highline School District to allow for vehicle access (ingress and egress) and utility line extension across School District property to the proposed Project site. The access route would cross the Highline School District property located along SW 136 th Street, west of Ambaum Boulevard SW. Additional information about the proposed site access can be found on page 3-12 of the DEIS. No alternative access routes have been proposed at this time. However, earlier plans used 12 th Avenue SW for access.

Letter 3: Randall Parsons

1	<u>Discharge Location</u> : Please see the response to Letter 1, Comments 4 and 6.
2	<u>Potential Erosion</u> : Please see the response to Letter 1, Comment 4.
3	<u>Landslide Hazard Area and Landslide Hazard Drainage Area</u> : The stability of the hillside slopes within the Project boundaries generally would not be affected by the means of stormwater conveyance because slope stability in the identified "landslide area" at the northwest corner of the site is controlled by groundwater that originates uphill (i.e., to the east) of the development (DEIS page 3-44). Tightlining stormwater runoff would reduce the risk of creek scour and downhill instability compared to the existing groundwater and surface flows originating from the site. However, tightlining also might slightly reduce water recharge to wetlands, which could negatively affect the wetlands. Whether or not peak flows should be tightlined would be determined as part of building permit and plan review.
4	<u>Tightline Sizing and Design</u> : Please see the response to Letter 1, Comment 4.

Letter 3: Randall Parsons

5	<u>Compliance with LHDA Requirements:</u> The stormwater plan is at a conceptual phase. However, final engineering plans and stormwater reports would meet the standards of the 2005 Manual.
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1	<u>School Traffic:</u> While some local traffic movements near schools may experience higher traffic volumes during the school peak hours, school peak hours typically do not coincide with overall peak hours. The p.m. peak hour (which occurs between 4:00 p.m. and 6:00 p.m.) typically represents the time period with the highest overall traffic volumes and congestion in the study area, and therefore the p.m. peak hour was analyzed in the DEIS.
2	<u>Pedestrian Safety:</u> The intersections of SW 128 th Street/Ambaum Boulevard SW and SW 148 th Street/Ambaum Boulevard SW are currently signalized and provide pedestrian crosswalks with push-button controls on all four approaches. As a result, pedestrian crossings at these intersections are protected and any vehicular traffic is required to yield. A Construction Traffic Management Plan would require that safe pedestrian and vehicular circulation be maintained adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control. See Section 3.3 of the FEIS.
3	<u>Construction Traffic:</u> A Construction Traffic Management Plan would require that construction materials delivered to and from the site would be scheduled and coordinated to occur outside of the commuter peak hours to minimize congestion during these peak travel times. In addition, trucks would be required to use the City-designated truck routes to access the site. See Section 3.3 of the FEIS. Based on the Transportation Element of the <i>City of Burien Comprehensive Plan</i> , SW 128 th Street, SW 148 th Street, and Ambaum Boulevard SW are the currently designated truck routes in the study area.
4	<u>Damage to Street:</u> A Construction Traffic Management Plan would identify measures to reduce adverse traffic impacts created during construction of the proposed Project. See Section 3.3 of the FEIS. If the City identifies a risk to pavement strength during right-of-way permit review, they may require a Pavement Monitoring Plan. Such a plan would require pavement testing prior to and after construction activity to determine Project impacts on the pavement condition.
5	<u>Traffic Congestion:</u> As stated in the DEIS, because most of the excavated material would be reused on-site, the highest concentration of truck trips would be associated with the delivery of additional fill material. Assuming that this activity occurs during a 1-week period, a total of 13 truck trips per day associated with importing fill material would occur outside of the commuter peak hours. Removal of timber and large woody debris from the site would require approximately 80 to 100 truck trips over a two-week period, or approximately 8 to twelve truck trips per day. The intersection of SW 136 th Street/Ambaum Boulevard SW currently operates at level of service (LOS) A during the weekday p.m. peak hour and is expected to do so under the future No Action Alternative and action alternatives. The volume-to-capacity ratios in both cases would be less than 0.40, indicating that only 40% of the intersection capacity is being used. Operations during off-peak times are expected to be better than during peak times, indicating that

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	<p>the intersection has more than 60% of its capacity available. This would be sufficient capacity to accommodate Project-generated traffic and the few truck movements that would be generated by the proposed Project during construction.</p> <p>Truck traffic associated with other construction activities such as vegetation removal and construction material delivery would occur over much longer time periods and would result in fewer truck trips per day than would result from the delivery of fill material. Therefore, adverse impacts on the adjacent intersection from these trips would be minimal.</p>
6	<p><u>Impacts on Local Businesses:</u> A Construction Traffic Management Plan would require that vehicular circulation to the adjacent retail and residential properties be maintained adjacent to the construction site. This Plan could include the use of temporary walkways, signs, and manual traffic control during certain periods of construction. See Section 3.3 of the FEIS.</p>
7	<p><u>Impacts on Local Residents:</u> Please see the response to Letter 4, Comment 6.</p>
8	<p><u>Construction Truck Routes:</u> SW 136th Street is not expected to be the major route to and from the proposed Project. Since SW 128th Street and SW 148th Street provide direct access to State Route (SR) 509, SR 518, Interstate 5, and Interstate 405, trucks would be routed along these roadways instead of SW 136th Street.</p> <p><u>Pedestrian Safety:</u> In addition, most passenger vehicles traveling to and from the east also would use these roadways. As discussed in the DEIS, only 5% of total Project traffic would use SW 136th Street. This would be local traffic accessing some of the businesses in the vicinity of SW 136th Street, rather than regional traffic from outside the general vicinity of the site.</p>
9	<p><u>Debris from Trucks:</u> A Construction Traffic Management Plan would require that construction trucks be staged within the construction site to minimize the potential for depositing soil, dust, and rocks on public roadways. See Section 3.3 of the FEIS. Construction truck trips generated by the Project would be monitored by the City of Burien for compliance with the Construction Traffic Management Plan. Non-compliance would result in fines. Truck operators would be responsible for damage to personal property cause by their trucks or actions.</p> <p><u>Contamination:</u> Project design and construction would meet the standards of the 2005 <i>King County Surface Water Design Manual</i>, so that maximum runoff flows would not be increased as a result of the Project.</p>
10	<p><u>Additional Truck Traffic:</u> Please see the response to Letter 4, Comment 5 for information on truck traffic. Please see the response to Letter 4, Comment 6 for information on mitigation of truck impacts on local businesses.</p>
11	<p><u>Construction Traffic Impacts:</u> The 1,178 daily trips discussed in the DEIS refers to the number of daily trips associated with build-out of the proposed development and not to the number of heavy vehicle trips generated by the construction activity. See page 3-10 of the DEIS for more information. Most of these trips would be passenger car trips generated by the residents of Emerald Pointe. The effect of these trips was evaluated in Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections to operate below their respective LOS standard.</p>

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12	<u>Residential Traffic Impacts</u> : The effect of the additional trips generated by the proposed Project was evaluated in Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections to operate below their respective LOS standard. As a result, no mitigation is necessary.
13	<p><u>Pedestrian Safety</u>: As discussed in the DEIS, none of the study intersections exhibit an unusually high rate of traffic accidents. This suggests that the transportation system is operating within acceptable safety parameters. The Project would increase traffic through these intersections and would proportionally increase the probability of traffic accidents. However, the facilities would continue operating within acceptable safety parameters.</p> <p>The fatality at the mid-block crossing on Ambaum Boulevard SW near SW 134th Street was not discussed in the DEIS because it occurred after the accident data included in the DEIS was obtained. The accident was an unfortunate event caused by driver error and was not related to the design of the crosswalk (King County Sheriff Case #07-143404). There has been only one other pedestrian-related accident at this location in the previous 3 years. The proposed Project would represent less than 3% of the traffic along Ambaum Boulevard SW in the vicinity of the crosswalk and, therefore, the Project would not have a significant adverse impact on the accident patterns at this location.</p>
14	<u>Traffic Impacts</u> : As described in the DEIS, the study area intersections would have sufficient capacity to accommodate the additional construction and resident trips generated by the proposed Project. See Section 3.1.2 of the DEIS for more information.
15	<u>Pedestrian Safety</u> : Please see the responses to Letter 4, Comments 2 and 13.
16	<u>Emergency Access</u> : As stated in the DEIS, the site access location for both action alternatives would be designed to accommodate emergency vehicles. With one access point, emergency vehicles would not be able to access the site if the site access is temporarily blocked by a landslide, earthquake, vehicle accident, etc.
17	<u>School Bus Access</u> : The proposed site access location on SW 136 th Street would be designed to accommodate buses that might need to enter the site to pick up and drop off children.
18	<u>Geologic Hazards</u> : The DEIS discusses slope stability in several places. On page 3-44, the DEIS notes that the northwest portion of the site is located in a mapped landslide area. The DEIS also states, on page 3-44, that on-site slopes above elevation 300 feet above sea level (ASL) appear stable (i.e., no evidence of landslides from the Nisqually earthquake). Upslope areas with slopes of greater than 40% are identified on the City of Burien's Critical Areas Map as a landslide hazard area; this reflects the steep slopes that characterize much of the site. However, current City regulations for critical areas do not apply. Pages 3-51 to 3-54 in the DEIS discuss both short-term and long-term impacts on slope stability from the construction and final configuration of the development. The DEIS also states (on page 3-51) that stability analyses would be conducted during the design phase of the Project to identify the measures necessary to ensure site stability during and following construction. Please see Section 3.5 of the FEIS.
19	<u>Impacts of Tree Removal on Runoff</u> : The proposed stormwater system would be

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	<p>designed to address runoff volumes generated by the completed Project, and would take into account changes in runoff due to removal of vegetation. Please refer to Section 3.2.2 of the DEIS for more information. The stormwater system would be designed to meet criteria required by the 2005 <i>King County Surface Water Design Manual</i>. There is no information from the existing studies that suggests that the Project would not meet the standards of the 2005 Manual.</p> <p><u>Impacts of Tree Removal on Site Stability:</u> Additional investigation of hillside stability would be necessary as part of the Project design (see DEIS, pages 3-51 through 3-54). However, stability of the site and the Project would be ensured by engineering standards and compliance with applicable building codes and other regulations.</p> <p><u>Estimated Change in Flow of North Creek:</u> As noted in Section 3.2.2.1 of the DEIS (page 3-33), impacts on downstream water flow rates would be within the limits of the 2005 Manual.</p>
20	<p><u>Stormwater System Failure:</u> The location of detention facilities would be adjusted, as appropriate, as Project engineering is refined. Placement of vaults and other facilities would meet requirements of the 2005 Manual (including design storm and emergency discharge requirements) and applicable building codes, minimizing the potential for failure of the stormwater system. Section 3.2.2.1 of the DEIS (page 3-33) notes that vaults would require drainage features which would mitigate ground water and interflow impacts.</p>
21	<p><u>Monitoring:</u> The Washington State Department of Ecology requires that the contractor obtain a National Pollutant Discharge Elimination System permit before excavation or construction. The permit requires a monitoring plan, inspections, and reporting to the department. All phases of construction would be inspected by City staff or City-managed outside inspectors, funded by additional inspection fees charged at the time of permit issuance. Please see the response to Letter 1, Comment 4.</p>
22	<p><u>Pollutant Removal:</u> Stormwater treatment (i.e., water quality) is addressed by the requirements in the 2005 <i>King County Surface Water Design Manual</i>. Chapter 6 of the 2005 Manual addresses water quality options that may be used. There are several options for treatment of site stormwater (e.g., wet vaults and biofiltration swales). Chapter 6 also discusses media filtration, such as storm filters. These measures often are used at multi-family and commercial sites. Additional mitigation measures that could be used, if needed, are presented on page 3-39 of the DEIS.</p>
23	<p><u>Landslide Hazards – General:</u> Please see the response to Letter 4, Comment 18.</p>
24	<p><u>Landslide Hazard – New Construction – Structures:</u> Buildings and other structures would be constructed to meet applicable building codes. Please see the response to Letter 4, Comment 18.</p>
25	<p><u>Landslide Hazard – New Construction – Fill:</u> Page 2-26 of the DEIS (Table 2.7-1) notes that a stability analysis would be conducted prior to construction to confirm adequate factors of safety on hillside cuts and fills, particularly on colluvial soils that are potentially subject to liquefaction. Please see the response to Letter 4, Comment 18.</p>
26	<p><u>Erosion Hazard – Site Clearing:</u> The DEIS (page 3-48) states that the Project would be constructed in phases, which would limit the area of ground disturbance at any one</p>

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	time. Page 3-31 of the DEIS notes that clearing and grading would expose much of the site to rainfall and erosion. Pages 3-48, 3-52, and 3-54 of the DEIS identify construction practices that would reduce the potential for erosion and offsite sediment transport, such as installing silt fences and detention ponds, and protecting exposed slopes and stockpiles from rainfall.
27	<u>Landslide Hazard – Adequacy of Existing Borings</u> : Page 3-42 of the DEIS notes that information derived from published geologic maps was used to verify the findings of test pits and exploratory borings previously conducted at the site (Terra Associates 1990) and of the more recent geological reconnaissance of the site. The DEIS states that the colluvial soils in the northwest corner of the site have a high landslide potential (page 3-44) but that the upper slopes appear stable. The DEIS also notes that stability analyses would be needed during final design to confirm the stability of the new construction, particularly in the area identified as a potential landslide hazard (page 3-51). See Section 3.5 of the FEIS for additional information about subsequent site reconnaissance.
28	<u>Vacation of 136th Street SW</u> : The Applicant does not propose to vacate 136 th Street SW and the City would not require a street vacation to install and maintain the retaining wall tie-back systems. This work can be conducted with an easement; the vacation language has been deleted. See Section 3.5 of the FEIS.
29	<p><u>DEIS versus Engineering Design Studies</u>: The EIS process is intended to evaluate a schematic design and identify significant adverse impacts associated with the Project. Further engineering design studies would refine Project engineering details; such studies would not be expected to identify new or substantially more severe adverse impacts.</p> <p>For example, the DEIS states that cantilevered soldier pile walls may be needed to support the hillside. The final design engineering would determine the size of the structural steel members for use in the wall and the spacing of the soldier piles. These specific design details would not affect the conclusion of the DEIS that walls may be needed for hillside support. The Project would be designed to meet all applicable State and local building codes. Studies required to issue a building permit would be part of the public record. The design would be reviewed for consistency with the studies. The City must be satisfied that the design adequately addresses building code issues before issuing the permit.</p>
30	<u>DEIS Treatment of Plants and Animals Element of the Environment</u> : Plants and animals are addressed in Section 3.4 of the DEIS. Section 3.3.3 of the Washington Department of Ecology's State Environmental Policy Act (SEPA) Handbook states that under SEPA guidance, "an EIS describes the existing environment that will be affected by the proposal, analyzes significant adverse environmental impacts of each alternative, and discusses reasonable mitigation measures. This discussion should be concise, not overly detailed, and should focus on those elements of the environment that will be significantly impacted." To this effect, the discussion of plants and animals is not meant to include an exhaustive list of plant and animal species that might occur on the Project site. Section 3.4 of the DEIS provides a description of the general vegetation and wildlife on the site, and focuses on species that are of particular concern, as identified by state or federal resource agencies. Numerous sources were relied on to prepare Section 3.4 of the DEIS, including the results of three wildlife and habitat surveys conducted at the site, resource-specific technical studies, and federal and state

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	<p>databases. These sources are cited in Section 3.4 and Chapter 4.0 (References), and are incorporated into the DEIS by reference. Habitat and wildlife studies conducted specifically for this Project include information on the study methodologies used in those technical reports. Section 3.4 of the DEIS summarizes information from these cited sources, and they may be referred to directly for further detail.</p> <p><u>Green Corridors</u>: The comment is noted.</p> <p><u>Primary Source Interview Data</u>: The sources described above and in Section 3.4 of the DEIS (Project-specific surveys, technical studies, and state and federal databases) are standard sources for collecting data on plants and wildlife species, especially threatened and endangered species, for evaluation in environmental documents such as an EIS. Using these types of sources provides a systematic approach to collecting pertinent data. It is not standard practice to interview the general public to obtain these data as such data would not have been systematically collected, and would be considered anecdotal. However, testimony provided by citizens at public hearings or submitted as public comments regarding plants and animals observed is included in the SEPA public record for the proposed Project, and would be used as a basis for additional review if warranted.</p>
31	<p><u>Birds Listed in DEIS</u>: See the response to Letter 4, Comment 30. Blue herons, eagles, and pileated woodpeckers are addressed in Section 3.4.1.6 (Threatened, Sensitive and Endangered Species) of the DEIS.</p>
32	<p><u>Mammals Addressed in DEIS</u>: See the response to Letter 4, Comment 30.</p>
33	<p><u>Reptiles and Wetland Associated Species Addressed in DEIS</u>: See the response to Letter 4, Comment 30.</p> <p><u>Western Pond Turtle</u>: As discussed in Section 3.4 of the DEIS (page 3-62), in Washington, the western pond turtle generally occurs in natural rivers or stream bodies below 300 feet in elevation in habitats not subject to human disturbance, and is sometimes associated with ponds or small lakes. The turtles overwinter in upland areas up to 1,640 feet from water and require open areas dominated by grasses and herbaceous vegetation for nesting. These habitats are not present on the Project site, the last sighting of this species (an individual occurrence) in the vicinity of the Project occurred in 1988 approximately 1.41 miles north-northeast of the site, and there have been no recent sightings in the Project vicinity; therefore, it is highly unlikely that this species would occur on the Project site.</p>
34	<p><u>Fisheries, Impacts and Mitigation</u>: The DEIS discusses impacts on fisheries (Section 3.4) associated with increased runoff from impervious surfaces that would be installed as part of the Project. Mitigation measures described in Sections 3.4.2 and 3.5.3 of the DEIS would reduce impacts on fish habitat to minor levels, but would not entirely eliminate them.</p>
35	<p><u>Mitigation for Removal of Large Trees used by Bald Eagle and Pileated Woodpecker</u>: The Project is vested under the 1990 King County Code (KCC) and is not required to retain such trees. While Project construction would displace these bird species, they would most likely relocate to the adjacent mature forests within Seahurst Park.</p>

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36	<u>Loss of Green Corridors</u> : The proposed Project is sited at the edge of Seahurst Park and would not bisect the corridor; the continuity of that habitat would remain intact.
37	<u>EIS Treatment of Wildlife, Impacts and Required Mitigation</u> : See the responses to Letter 4, Comments 30 to 34, regarding the treatment of wildlife, information sources, and methodology in the DEIS.
38	<u>Regulatory Agency (e.g., U.S. Army Corps of Engineers) Involvement Regarding Wetlands</u> : The Washington State Department of Ecology, Fish and Wildlife, and Natural Resources are the primary State agencies with regulatory authority over wetlands in Washington State under various statutes. The DEIS describes the U.S. Army Corps of Engineers' (Corps') regulatory jurisdiction over wetlands on the Project site in Section 3.5.
39	<p><u>Mitigation for Potential Impacts on Wetlands</u>: The Project is vested under the February 1990 KCC. Section 3.5 of the DEIS states that the February 1990 KCC permits disturbance or alteration of wetland habitat if the wetland does not serve any characteristic functions or if the proposed development would preserve or enhance wetland functions. The proposed Project would not displace any wetlands. Additional measures described in Section 3.5.3 of the DEIS are incorporated to preserve wetland functions both during and after construction. In addition, although the Project is vested under the February 1990 KCC, the Applicant has voluntarily included wetland buffers (a 50-foot buffer and additional 15-foot building setback) as required under the September 1990 KCC. The Corps does not regulate wetlands buffers.</p> <p><u>Monitoring and Enforcement of Wetland Protection</u>: Please refer to the response to Letter 4, Comment 21.</p>
40	<p><u>Easements</u>: Easements may be needed to access the site and to construct retaining walls and sewer lines. Some of these easements may be temporary or may not be required, depending on negotiations and the final design. Lease arrangements for off-site storage of equipment also might be necessary. Please refer to page 3-33 of the DEIS for information on retaining wall-related easements; page 3-48 for access-related easements and lease arrangements; and page 3-127 for sewer line easements.</p> <p><u>Variances</u>: At the present time, no land use variances are needed to permit development.</p> <p><u>Future Enforcement</u>: The Applicant must comply with all current, applicable regulations related to health and safety. These include City building and safety codes and the Americans with Disabilities Act. The Applicant has agreed to comply with the 2005 <i>King County Surface Water Design Manual</i>. Permit conditions would be enforced by the City of Burien and other responsible agencies.</p>
41	<u>Guest Parking</u> : The DEIS bases the numbers of required parking spaces for Emerald Pointe on the requirements of the 1990 KCC; this code does not distinguish between resident and guest parking spaces, but combines users in a single spaces-to-unit ratio. KCC Section 21.50.040, in effect at the time of vesting, requires 1.5 off-street parking spaces per multi-family dwelling unit. Based on the numbers of parking spaces and units shown in the DEIS for Alternatives 1 and 2, the proposal includes a ratio of approximately 1.75 off-street parking spaces per dwelling unit. Please refer to pages 2-

Letter 4: Chestine Edgar

	2, 2-9, and 2-15 of the DEIS for information on the numbers and types of parking spaces provided.
42	<u>Sewage Disposal</u> : The Applicant received a Certificate of Sewer Availability (CSA) from the Southwest Suburban Sewer District (SWSSD) on April 2, 2007, stating that the SWSSD has adequate sewage disposal and treatment capacity to accommodate the proposed Project. The CSA did not note any concerns with the capacity of the sewer main. The CSA states that a sewage easement and satisfactory completion of a sewer extension would be required as part of the future permit approval process.
43	<u>Light Impacts on Birds</u> : Project lighting would be shielded and directed downward and any adverse impacts would be minor.
44	<u>Transmission Tower Impacts on Birds</u> : No transmission towers or antennae are proposed as part of this Project. The adverse impacts of incidental residential antennae on local bird species would be minor.
45	<u>Construction Noise</u> : Section 3.8 of the DEIS states that the action alternatives are subject to Title 9.105.400 of the Burien Municipal Code (BMC), which regulates sound that creates a public disturbance. Due to the Project's adjacency to a park of regional significance, the Project is also subject to BMC Section 12.30.110, which requires a noise mitigation plan prior to construction. Construction permits issued by the City of Burien also may be conditioned to place additional limits on noise production, such as limited hours of operation or prohibitions on particular activities. See Section 3.8.3 of the DEIS for recommended mitigation measures. Section 3.8.2 of the DEIS notes that noise levels created by the proposed development would be typical for a development of this size and would not constitute a significant impact.
46	<u>Parks and Recreation Mitigation</u> : The Project is vested to the 1990 KCC, which did not require payment of a park impact fee or similar financial contributions to the park system. Section 3.9.2 of the DEIS analyzed impacts on parks using the City's current level of service standards as guidance and concluded that the proposed on-site recreation facilities and trail connections to Seahurst Park would meet the increased recreation demand created by the Project.
47	<u>Schoolchildren</u> : Section 2.1 of the DEIS states that the proposed Project is expected to consist of market-rate condominium residences. The DEIS uses the best available data to estimate the number of school-age children who would live at Emerald Pointe on the Sound. For consistency purposes, the DEIS applies the widely recognized multi-family household student generation factor developed and approved by the Highline Public School District, the receiving school district. As noted on pages 3-120 and 3-121 of the DEIS, based on the available information, the school district would be able to adequately accommodate the increase in student population created by either of the action alternatives.
48	<u>Appropriate Public Services</u> : Section 3.10.2 of the DEIS states that the City of Burien has sufficient law enforcement capacity to respond to the additional demands resulting from the Project under either action alternative. Section 3.10.2 of the DEIS states that Alternative 1 is expected to create a significant adverse impact on emergency fire response to the site, because the site design does

Letter 4: Chestine Edgar

	<p>not accommodate the turning radius of fire trucks. Implementation of Alternative 1 would necessitate redesign of internal roadways, prior to permit approval, to accommodate fire equipment and bus access as well as paratransit access, to meet any applicable requirements of the Americans with Disabilities Act. Alternative 2 provides adequate turning radii for fire trucks and buses and would not result in adverse impacts on fire response or accessibility.</p> <p>The City of Burien is responsible for reviewing and approving all plans prior to issuing construction permits for the Project.</p>
49	<p><u>Stability of Project Energy Source:</u> The Applicant must comply with all current health and safety regulations that apply to the Project and site. These include building and safety codes and all other applicable City codes and ordinances. The City of Burien is responsible for reviewing and approving all plans that deal with seismic safety standards, including the design of utility lines.</p>
50	<p><u>Project History:</u> Please see Section 3.1 of the FEIS for additional information.</p>
51	<p><u>DEIS Availability:</u> The City provided several copies of the DEIS to the Burien Library for in-library use. These documents were stolen from the library and the City was not notified of this theft until near the end of the comment period. Free reading copies of the DEIS were also available at Burien City Hall and were available for purchase at a local copy center.</p>
52	<p><u>Public Notice:</u> The City has complied with the required legal notification and its standard procedures for issuance of the DEIS. The City of Burien's standard procedures are based on the KCC, with a few aspects that exceed the KCC:</p> <ol style="list-style-type: none">1. Posting a minimum of three signs readily observable from adjacent property and adjoining streets (KCC Section 20.44.060). Erecting yellow notice boards in the following locations: on SW 136th Street in front of the old Senior Center; on the west side of 12th Avenue SW at SW 134th Street; and along a trail near the west side of the property adjacent to Seahurst Park.2. Publication of notice in a newspaper of general circulation in the area where the proposal is located (KCC Section 20.44.060), a minimum of 10 days before the hearing [WAC Section 197-11-502(6)(b)]. The notice was published in the City's official newspaper (<i>The Seattle Times</i>) on August 21, 2007, 28 days prior to the DEIS hearing.3. Mailing of notices for a DEIS is not required under KCC Section 20.44.060. However, consistent with City practice, the City mailed notices to all property owners within 500 feet of the boundaries of the property. The City also mailed notices to all "parties of record" from lists dating back to 1996.4. The City posted notice of the DEIS and hearing on its website, although it was not required by code to do so.

Letter 5: Melessa Rogers

1	<u>Vested Zoning</u> : See Section 3.6.1.3 of the DEIS for information regarding existing land use, zoning, and vested zoning of the site. See Section 1.3 of the DEIS for information regarding vesting to the 1990 regulations.
2	<u>Public Notice</u> : See the response to Letter 4, Comment 52, regarding public notice procedures. The commenter was mailed a notice of the DEIS and hearing, although it appears that it was not delivered by the U.S. Postal Service. The envelope containing the notice was not returned to the City.
3	<p><u>Traffic and Safety</u>: See the responses to Letter 4, Comments 12 and 13.</p> <p><u>Impact on Emergency Services</u>: Fire District #2 believes it can provide adequate service to the Project, as indicated in the DEIS. Adverse impacts on fire services resulting from annexation of the North Highline unincorporated area would be addressed as part of the annexation process.</p> <p><u>Noise</u>: Section 3.8.2 of the DEIS notes that noise levels created by the proposed development would be typical for a development of this size and would not constitute a significant impact.</p>
4	<p><u>Adverse Impacts on Wildlife</u>: The Project would result in both short- and long-term adverse impacts on wildlife within the Project site, including permanent displacement. Impacts of the Project on wildlife are discussed in Section 3.4 of the DEIS.</p> <p><u>Wetlands Buffers</u>: The Applicant has voluntarily included wetland buffers (a 50-foot buffer and additional 15-foot building setback) in the Project design. See the response to Letter 4, Comment 39, for additional information.</p> <p><u>Water Quality</u>: The Project vested in 1990 to the <i>Draft King County Surface Water Design Manual</i> (later finalized as the 1992 <i>King County Surface Water Design Manual</i>); however, the Applicant and the City have agreed to incorporate the 2005 <i>King County Surface Water Design Manual</i> (2005 Manual) standards into the ultimate stormwater infrastructure design for the Project. The stormwater plan is at a conceptual phase. The final building permit process would require a complete set of engineering plans and stormwater reports that meet the standards of the 2005 Manual. No information or studies suggest that the Project would not meet the standards of the 2005 Manual.</p> <p><u>Disruptions to Water Quality and Water Flow</u>: As noted in the DEIS (Section 3.5.2), the Project could affect water quality and water flow to the wetland. Mitigation measures discussed in the DEIS (Section 3.5.3) would minimize but not eliminate these effects.</p>
5	<u>Landslide Hazard – Clearing/Grading/New Construction</u> : Please see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
6	<u>Acquisition of Land as Park</u> : The City's Parks, Recreation and Open Space (PROS) Plan establishes the City's plans for acquiring parks and open space. The current plan, updated in 2006, identified the need to acquire 124 acres of land – 96 acres for active neighborhood and community parks, and 28 acres for open space. The <i>Seahurst Park Master Plan</i> (2002) identifies and prioritizes 34 acres of open space for potential acquisition. In accordance with these two plans, the City has acquired several

Letter 5: Melessa Rogers

	properties that were offered by willing sellers. The <i>Seahurst Park Master Plan</i> identifies the Emerald Pointe property as an acquisition priority, but it has not been offered for purchase.
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Letter 6: Glenn Krantz

1	<p><u>Impact on Seahurst Park</u>: Seahurst Park is a public park and would be available to the future residents of Emerald Pointe. Use of the park by these residents is not expected to create significant adverse impacts.</p> <p><u>Age of DEIS</u>: The DEIS was published in 2007.</p>
2	<p><u>Traffic Impacts</u>: The effect of the additional trips generated by the proposed Project was evaluated in Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections along Ambaum Boulevard SW to operate below their respective LOS standard. As a result, no mitigation is necessary.</p>

Letter 7: Stuart Hanney

1	<p><u>Environmentally Sensitive Areas</u>: Please see the responses to Letter 4, Comment 39, regarding impacts on wetlands. Management of runoff also would be handled as required by applicable regulations. With the implementation of Project mitigation measures, adverse impacts on the wetlands and sensitive areas of Seahurst Park, including North Creek, would be less than significant. Please see Sections 3.2.3 and 3.5.3 of the DEIS for recommended mitigation measures. Please also see Section 3.7 of the FEIS.</p>
2	<p><u>Opportunity for Public Comment</u>: The official period for public comment on the DEIS ran from August 21, 2007, to October 5, 2007. A public hearing was held on September 18, 2007. Additional public hearings are not required.</p>

Letter 8: Dorothy Shapiro

1	<p><u>Environmental Impacts of Development</u>: While many nearby residents use trails on the Project site, the site is private property. The property is not owned by the City of Burien and is not part of Seahurst Park. As stated on page 3-64 of the DEIS, the Project would displace 7.4 acres of disturbed second-growth upland forest and low-quality wildlife habitat on the Project site. See Section 3.4 of the DEIS for a description of habitat on the Project site. Removal of this habitat would displace wildlife currently using the site. Please see the responses to Letter 4, Comment 39, regarding impacts on wetlands. No adverse impacts on the shoreline at Seahurst Park are anticipated as a result of the proposed Project.</p>
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Letter 8: Dorothy Shapiro

2	<u>Landslide Hazard, Erosion, Drainage, and Settling</u> : Additional investigation of hillside stability would be necessary as part of the building permit process (DEIS pages 3-51 through 3-54). Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
3	<u>Site Selection</u> : While there may be other less constrained pieces of property in Burien that Westmark could choose to purchase and develop, this is a private decision that does not involve the City.
4	<u>Opportunity for Public Comment</u> : Please see the responses to Letter 4, Comment 52 (regarding adequacy of notice), and Letter 7, Comment 2 (regarding scheduling of another hearing).

Letter 9: Laureen Williams

1	<u>Wildlife Habitat of Seahurst Park</u> : The proposed Project is located on private property. No construction would take place within Seahurst Park. Please see the response to Letter 7, Comment 1.
2	<u>Sewer System Capacity</u> : The mitigation measure proposed in Section 3.11.3 of the DEIS addresses the issue of increased load to the sewer system: “Formal approval of sewer and water plans shall be received from the appropriate service agencies. (Specifically, final sewer plans would require submittal to the sewer district for approval, based on current codes.)” The Applicant applied to the SWSSD for a CSA. The CSA identifies that sewer capacity is available. The CSA also identifies the upgrades necessary to receive sewer service. The CSA describes additional upgrades to an existing pump station and other improvements. As part of these upgrades, the current lines serving the site would be upgraded according to the SWSSD codes and approval requirements.
3	<u>Impacts on Seahurst Park</u> : Please see the response to Letter 7, Comment 1.

Letter 10: Chris Freeman

1	<u>Impacts on Neighborhood</u> : The comment is noted.
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Letter 11: Lori Toth

1	<u>Watershed Impacts</u> : Please see the response to Letter 7, Comment 1.
2	<u>Opportunity for Public Comment</u> : Please see the response to Letter 7, Comment 2.

Letter 12: Laura Peters and Gregg Bafundo

1	<u>Impacts on Habitat and Amenities</u> : The Project site is not part of Seahurst Park, but it is private property, and no changes to the Park are proposed. With the implementation of mitigation measures, adverse impacts of the proposed Project on Seahurst Park would be less than significant. Please see the response to Letter 7, Comment 1.
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Letter 13: William F. Vukonich

1	<u>Loss of Green Areas</u> : Please see the responses to Letter 4, Comment 52; Letter 5, Comment 6; and Letter 8, Comment 3.
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Letter 14: Nancy Hogue

1	<p><u>Traffic Impacts</u>: The operational analysis in the DEIS accounts for future growth in the City. Even with the expected growth and the traffic generated by the proposed development, all study area intersections would operate within their LOS standards.</p> <p><u>Wetlands and Streams</u>: Please see the response to Letter 7, Comment 1.</p> <p><u>Loss of Animal Habitat and Green Areas</u>: The Project would result in both short- and long-term adverse impacts on wildlife on the site, including permanent displacement by the proposed development. Impacts of the Project on wildlife are discussed in Section 3.4 of the DEIS. Please see the responses to Letter 5, Comment 6, and to Letter 8, Comment 3.</p>
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Letter 15: Bea Gomez

1	<u>Hillside Stability – Lateral Support to Building 10 Sound Vista Condominiums</u> : Distress to the driveway south of Building 10 at the Sound Vista Condominiums is caused by loose fill in the steep embankment that was constructed for the roadway. The southwest corners of buildings 7, 10, and 12 also may be partially supported on fill. The proposed construction at Emerald Pointe would include placing fill adjacent to the slopes below Sound Vista, and the new fill may provide some lateral support to the adjacent uphill slopes of the Sound Vista property. As stated in the DEIS (page 3-51), additional stability analyses would be required to ensure the adequacy of the proposed construction. Because vibrations from construction equipment may cause the loose fill underlying the roadways (and possibly the corners of buildings 7, 10, and 12) to settle, photographic and damage surveys would be conducted on the adjacent properties prior to construction to document the condition of the existing buildings and roadways as a basis for determining any construction-related damage. These details would be addressed as part of the City's review of final design. See the responses to Letter 4, Comments 18 and 24–26.
2	<u>Impacts on Habitat</u> : In response to wetlands and runoff, please see the response to Letter 7, Comment 1. With the implementation of applicable mitigation measures,

Letter 15: Bea Gomez

	adverse impacts of the proposed Project on Seahurst Park would be less than significant. The Applicant would be responsible for undertaking all mitigation identified in Table 2.7-1 of the FEIS. See Sections 3.7.3, 3.8.3, and 3.10.3 of the DEIS for recommended mitigation measures associated with aesthetics, light, and glare; noise; and public services.
3	<u>Pedestrian and Vehicular Safety</u> : Please see the response to Letter 4, Comment 13, for information on the traffic accident mentioned. As stated in the DEIS, construction vehicles would access the site from SW 136 th Street and Ambaum Boulevard SW. No adverse impacts on SW 134 th Street and 12 th Avenue SW are expected. A Construction Traffic Management Plan would require that the contractor maintain safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control. See Section 3.3 of the FEIS.
4	<u>Impacts on Habitat and Amenities</u> : Please see the responses to Letter 5, Comment 6, and to Letter 8, Comment 3. <u>Use of current information</u> : The DEIS was written in 2007 using both information obtained in the 1990s and information obtained more recently.

Letter 16: George Thornton

1	<u>DEIS Alternatives</u> : Under State law, the alternatives reviewed in the DEIS must meet the Applicant's objectives. The Applicant can choose to consider other uses of the property, but has chosen not to. Below-grade parking has been incorporated into the alternatives to limit the amount of impervious surface created on the site, thereby reducing stormwater runoff and increasing potential groundwater recharge. Discussion of reuse of the former Burien Heights School property is outside the scope of this EIS.
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Letter 17: Gary McAvoy

1	<u>Impacts on Seahurst Park</u> : With the implementation of mitigation measures, adverse impacts of the Project on Seahurst Park would be less than significant. Please see the response to Letter 7, Comment 1.
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Letter 18: Rebecca Dare and Bill Opferman

1	<u>Opportunity for Public Comment</u> : Please see the response to Letter 7, Comment 2.
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Letter 19: Michael Willis

1	<p><u>Significant Short-Term and Long-Term Impacts (on Plants and Wildlife) on the Project Site:</u> The Project would result in both short-and long-term adverse impacts on plants and wildlife, including permanent displacement. Project impacts on plants and wildlife are discussed in Section 3.4 of the DEIS. While the proposed Project would displace plants and wildlife on the Project site, these impacts would not be significant, as they would not affect the continued survival of any threatened or endangered species.</p> <p><u>Mitigation Measures to Prevent Adverse Impacts on Wildlife that Inhabit Seahurst Park:</u> With the implementation of applicable mitigation measures, adverse impacts of the proposed Project on Seahurst Park would be less than significant. See Section 3.4 of the DEIS for more information.</p>
2	<p><u>Mitigation for Impacts on Fish Habitat:</u> Please see the response to Letter 4, Comment 34.</p>
3	<p><u>Pollutant Impacts:</u> Please see the responses to Letter 4, Comment 22.</p> <p><u>Notification to the State Regarding Impacts on State-Listed Species:</u> State agencies, including the Washington Department of Fish and Wildlife, were notified of the DEIS and were among those invited to provide comments through the SEPA process.</p>
4	<p><u>Impacts on Wildlife at Seahurst Park from Short-Term Construction Activities, Including Noise:</u> These impacts are discussed in Section 3.4 of the DEIS and would not be significant.</p> <p><u>Notification to the State Regarding Impacts on State-Listed Species:</u> Please see the response to Letter 19, Comment 3.</p>
5	<p><u>Impacts on Wildlife that Inhabit Seahurst Park:</u> With the implementation of applicable mitigation measures, adverse impacts of the proposed Project on Seahurst Park and wildlife that uses the park would be less than significant. Please see Section 3.4 of the DEIS for more information.</p> <p><u>Notification to Appropriate Federal, State, and Local Agencies Regarding Wildlife Impacts:</u> Please see the response to Letter 19, Comment 3, regarding notification to the State. Applicable local and federal agencies also were notified.</p>

Letter 20: Michelle Hawkins

1	<p><u>Burien Vision:</u> The Project would convert undeveloped private property to housing. The Project would not occur on public open space or parkland. The property would continue to accommodate public access to Seahurst Park.</p>
2	<p><u>Upkeep of Existing Buildings:</u> The upkeep of existing buildings is the responsibility of the respective property owners and not related to this Project.</p>
3	<p><u>Pedestrian Safety:</u> Please see the response to Letter 4, Comment 13.</p>

Letter 20: Michelle Hawkins

	<u>Increased Traffic:</u> Please see the response to Letter 4, Comment 12.
4	<u>Aesthetics, Light, and Glare:</u> Comment noted. The Project would convert undeveloped private property to housing.
5	<u>Achieving Burien Vision:</u> Comment noted. The Project would convert undeveloped private property to housing.
6	<u>Impact on Public Services:</u> Please see the response to Letter 5, Comment 3.
7	<u>Availability of FEIS:</u> All those who commented on the DEIS will be notified when the FEIS is available.

Letter 21: Cindy Willis

1	<u>Public Notice:</u> The vicinity map included with the DEIS notice contained property lines and public rights-of-way. This is the same type of map as used on all City public notices of development Projects. <u>Opportunity for Public Comment:</u> Please see the responses to Letter 4, Comment 52 (regarding adequacy of notice), and to Letter 7, Comment 2 (regarding scheduling of another hearing).
2	<u>Removal of Habitat:</u> The comment is noted. Page 3-66 of the DEIS discloses that 7.4 acres of upland forest and wildlife habitat would be removed.
3	<u>Public Notice:</u> Please see the responses to Letter 4, Comment 52, and to Letter 19, Comment 3. Please refer to Chapter 5 of the FEIS for the FEIS distribution list.
4	<u>Loss of Habitat:</u> The Project site is located on private property and is not part of Seahurst Park or other natural preserve. Please see the responses to Letter 7, comment 1; Letter 19, Comment 3; and Letter 21, Comment 2.
5	<u>Public Notice:</u> Please see the responses to Letter 4, Comment 52, and to Letter 19, Comment 3. Please refer to Chapter 5 of the FEIS for the FEIS distribution list.
6	<u>Impacts on Wildlife During Construction:</u> Please see the response to Letter 5, Comment 4 (wildlife impacts). As indicated in Section 3.2 of the DEIS, the Applicant would prepare a temporary erosion and sediment control (TESC) plan to address construction-related runoff.
7	<u>Trillium in Forested Areas on the Project Site:</u> The DEIS describes the removal of 7.4 acres of forest. Any trillium plants and other vegetation growing in these areas also would be removed from the Project site. <u>Impacts on Wildlife:</u> Please see the responses to Letter 4, Comment 35, and to Letter

Letter 21: Cindy Willis

	5, Comment 4.
8	<u>Acquisition of Land as Park:</u> Eagle Landing Park was offered to the City by a willing property owner for purchase as a park. Emerald Pointe has not been offered to the City for purchase. Please see the response to Letter 5, Comment 6.
9	<u>Noise/Dust:</u> Please see the response to Letter 4, Comment 45, regarding noise. As indicated in Section 3.2 of the DEIS, the Applicant must provide a TESC plan to the City of Burien that identifies construction-related mitigation measures. The City would review and provide final approval of the TESC plan to ensure that the Project follows BMPs such as covering truck loads and watering dry sites to prevent dust buildup during construction. The Applicant is required only to mitigate significant adverse impacts identified in the DEIS and FEIS.
10	<u>Legal Settlement:</u> The final outcome of legal issues between the City and Westmark has no bearing on the environmental analysis and future permit decisions for Emerald Pointe. <u>Acquisition of Land as Park:</u> Please see the response to Letter 5, Comment 6.

Letter 22: Alice Goodman

1	<u>Vesting:</u> The DEIS was written in 2007 using both information obtained in the 1990s and information obtained more recently. Please see the response to Letter 2, Comment 1.
2	<u>Impacts on Seahurst Park and Community:</u> Development at Emerald Pointe would be required to meet all applicable regulations and to undertake mitigation to reduce adverse impacts on Seahurst Park and the community to a less-than-significant level. Please see Section 3.1 of the DEIS for a description of transportation impacts, Section 3.4 for a description of impacts on plants and animals, Section 3.9 for a description of parks and recreation impacts, and Section 3.10 for a description of police services.
3	<u>Noise/Dust:</u> Please see the response to Letter 4, Comment 45, regarding noise. Please see the response to Letter 21, Comment 9, regarding dust.
4	<u>Invasive Plant Species Weed Seeds in Fill Dirt Used for Project:</u> The City has not adopted standards or BMPs relating to transfer of noxious weed seeds in fill. However, prior to issuance of any construction permits, the Applicant would be required to provide the City with a plan to control the possible spread of noxious weeds from imported fill and topsoil. Please see Section 3.6 of the FEIS for additional information.
5	<u>Protection of Wildlife:</u> Regarding the protection of wildlife in non-wetland forest on the Project site, please see the response to Letter 5, Comment 4. Regarding protection of wetland areas (and associated wildlife) on and adjacent to the Project site, please see

Letter 22: Alice Goodman

	the response to Letter 4, Comment 39.
6	<u>Impacts on Vegetation</u> : Section 3.4 of the DEIS addresses probable significant adverse environmental impacts and mitigation measures related to plants in the area.
7	<u>Native Plant Salvage</u> : The Applicant has agreed to consider, later in the permitting process, allowing others to salvage native plants.
8	<p><u>Soil Permeability/Percolation</u>: The Applicant and the City have agreed to incorporate the standards of the 2005 <i>King County Surface Water Design Manual</i> (2005 Manual) into the ultimate stormwater infrastructure design for the Project. Earthwork and grading activity on the Project site would likely decrease the permeability of the underlying soil and reduce surface water infiltration. The detention ponds also would be lined to reduce groundwater infiltration and improve hillside slope stability. Impervious surfaces (buildings and pavement) would similarly inhibit surface water infiltration, which would improve hillside stability.</p> <p><u>Wetlands</u>: Please see the response to Letter 4, Comment 39, regarding impacts on wetlands.</p>
9	<u>Off-Site Sediment Transport and Water Quality of Stream</u> : BMPs would be used during construction to minimize erosion and offsite sediment transport (DEIS pages 3-52 through 3-54). Such practices may include minimizing areas of exposed slopes, protecting exposed slopes from rainfall, installing silt fences at the perimeter of the work areas, and installing detention ponds and vaults as the first item of construction to detain site runoff. Use of on-site storage tanks and off-site disposal of water may also be required if the quality of the discharge water does not meet State and local discharge standards. See the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
10	<u>Wetland Protection</u> : No discharge of fill into wetlands or other aquatic resources would occur from this Project. Wetlands on and adjacent to the Project site would be protected by buffers and building setbacks voluntarily incorporated into the Project design by the Applicant. For additional detail regarding wetland buffers, please see the response to Letter 4, Comment 39.
11	<u>Protection of Salmon and Puget Sound, role of Puget Sound Partnership</u> : Please see the responses to Letter 4, Comment 34; Letter 19, Comment 5; and Letter 22, Comment 10.
12	<u>Impacts on Habitat and Amenities</u> : Please see the response to Letter 7, Comment 1.
13	<p><u>Legal Settlement</u>: Please see the response to Letter 21, Comment 10.</p> <p><u>Acquisition of Land as Park</u>: Please see the response to Letter 5, Comment 6.</p>

Letter 23: Jane Martin

1	<p><u>Nature of Development:</u> Any time new housing is built next to a park, the City would expect more residents to use the park. Since public parks are for people, the City sees this as positive. At approximately 185 acres, and with nearly 4 miles of trails, Seahurst Park would be able to accommodate future residents of Emerald Pointe. For any park, even for a regional park like Seahurst, the City expects the most frequent users to be the closest neighbors. Frequent users also tend to be the eyes and ears of the park and have been known to report suspicious activity and to perform light trail maintenance and litter collection.</p>
2	<p><u>Conditions in the Park:</u> Please see the response to Letter 23, Comment 1.</p> <p><u>Crime:</u> The proposed Project is not expected to significantly increase crime rates in the City of Burien. Please see Section 3.10 of the DEIS for a description of police services.</p> <p><u>Restroom Facilities:</u> The City does not expect the pattern of use by new residents to be any different than the pattern of use by existing residents. Current restroom use is not a problem and increased park use would not be expected to overwhelm the new restroom when it opens this summer.</p> <p><u>Traffic and Environmental Impacts:</u> The proposed development would be required to meet all applicable regulations and mitigate adverse impacts on Seahurst Park and the community to a less-than-significant level. Please see Section 3.1 of the DEIS for a description of transportation impacts, Section 3.4 for a description of impacts on plants and animals, and Section 3.9 for a description of impacts on parks and recreation.</p>
3	<p><u>Noise/Dust:</u> Please see the response to Letter 21, Comment 9.</p>
4	<p><u>Invasive Plant Species Weed Seeds in Fill Dirt used for Project:</u> Please see the response to Letter 22, Comment 4.</p>
5	<p><u>Park Tour:</u> The comment is noted. Please see the response to Letter 21, Comment 8.</p>
6	<p><u>Protection of Wildlife in Forest and Wetland Areas:</u> Regarding protection of wildlife in non-wetland forest on the Project site, please see the response to Letter 5, Comment 4. Regarding protection of wetland areas (and associated wildlife) on and adjacent to the Project site, please see the response to Letter 4, Comment 39.</p>
7	<p><u>Native Plant Salvage:</u> Please see the response to Letter 22, Comment 7.</p>
8	<p><u>Vegetation Removal, Grading, Stormwater, Wetlands, and Percolation:</u> Please see the response to Letter 22, Comment 8.</p>
9	<p><u>Off-Site Sediment Transport and Water Quality of Stream:</u> Please see the response to Letter 22, Comment 9.</p>
10	<p><u>Wetland Protection, Discharge of Fill into Wetlands:</u> Please see the response to Letter 22, Comment 10. For additional information, please see the response to Letter 4, Comment 39.</p>

Letter 23: Jane Martin

11	<u>Protection of Salmon and Puget Sound, Role of Puget Sound Partnership</u> : Please see the responses to Letter 4, Comment 34; Letter 19, Comment 5; and Letter 22, Comment 10.
12	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52, regarding public notice requirements. Although the commenter requested Project updates in 1997–1998, she is not listed on any Project-related mailing lists.
13	<u>Replacement of Property Markers</u> : It is standard practice to require that property lines be surveyed and marked prior to the issuance of the building permit(s).
14	<u>Legal Settlement</u> : Please see the response to Letter 21, Comment 10. <u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6, regarding purchase of the Emerald Pointe property by the City.

Letter 24: Nicole A. Riss

1	<u>Impacts on Seahurst Park</u> : The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park.
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Letter 25: Laurie Hertzler

1	<u>Loss of Forest</u> : The comment is noted.
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Letter 26: Michelle Gaither

1	<u>Impacts on Seahurst Park and Community</u> : The comment is noted. All comment letters received within the designated comment period will be entered into the public record.
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Letter 27: Wolfe Schaaf

1	<u>Contamination Impacts</u> : Please see the response to Letter 4, Comment 22. <u>Noise</u> : Please see the response to Letter 4, Comment 45, for information on construction-related noise.
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Letter 28: Allen and Samantha Cassino

1	<u>Loss of Habitat</u> : The comment is noted.
2	<u>Vesting</u> : Please see the response to Letter 2, Comment 1. See Section 3.6.1.3 of the DEIS for information regarding existing land use, zoning, and Project vesting. Also see Section 1.3 of the DEIS for additional information regarding vesting to the 1990 regulations.

Letter 29: Theresa Lopez

1	<u>Project Relocation</u> : The former "Vintage Park Apartments" property is privately owned and the City cannot require redevelopment of the property. The new owner of the property (The Larimar Group) is investing in improvements to the existing apartments, but these would not include commercial buildings.
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Letter 30: Lori G.

1	<u>Impacts on Habitat and Amenities</u> : The comment is noted. The proposed development would be located on private property, not in Seahurst Park.
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Letter 31: Scott and Molly Forman

1	<u>Map of Project Site</u> : The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park. Figure 2.1-1 in the DEIS illustrates the relationship of the proposed Project site to Seahurst Park.
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Letter 32: Toni Lysen

1	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52. <u>Emergency Services</u> : Please see the response to Letter 5, Comment 3.
2	<u>Legal Settlement</u> : Please see the response to Letter 21, Comment 10. <u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.

Letter 33: Sally Hall and Walt Blair

1	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.
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Letter 34: Brian Barnes

1	<p><u>Impacts on Creek:</u> Please see Section 3.2 of the DEIS.</p> <p><u>Impacts on Seahurst Park Road:</u> The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park. The DEIS does not identify any probable significant adverse impacts on the park.</p> <p><u>Impacts on Trail:</u> Existing trails that extend from Seahurst Park into the Project site are user-made trails informally established on private property. Alternative 2 has been revised to show retention of the existing trail through the northwest corner of the Project site to trails in Seahurst Park. Please see Section 3.11 of the FEIS for additional information.</p> <p><u>Park Disappearance:</u> The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park. The DEIS does not identify any probable significant adverse impacts on the park.</p> <p><u>Development Demographics:</u> Characteristics of residents are expected to be comparable to those of residents in other market rate, multi-family condominium developments in Burien.</p> <p><u>Development Population:</u> The proposed development would have either 201 dwelling units (Alternative 1) or 179 dwelling units (Alternative 2) with an estimated residential population of 400–450 residents.</p> <p><u>New Roads:</u> New access roads would be constructed on the site. Please see Chapter 2.0 of the DEIS for a Project description.</p> <p><u>Construction Schedule:</u> Buildings would be constructed in phases, starting in March 2009 and ending in 2012 or 2013. This schedule differs from the schedule provided in the DEIS (on page 3-48 and elsewhere in the document) since it has been shifted to more accurately reflect the environmental review and subsequent building permit process.</p> <p><u>Noise:</u> Noise resulting from construction activities would be mitigated to less-than-significant levels. Please see Section 3.8 of the DEIS for information on noise and allowable work hours. Please see the response to Letter 4, Comment 45, regarding construction noise.</p> <p><u>Purpose:</u> The SEPA process is intended to address Project-related environment impacts. The proposed development would be located not within Seahurst Park, but on privately owned land adjacent to the park. No significant adverse impacts on the park would occur.</p> <p><u>Developer's History and Legal Settlement:</u> This FEIS responds to questions associated with the environmental review of the proposed alternatives identified in the DEIS. Please see the response to Letter 21, Comment 10, regarding the legal settlement.</p> <p><u>Crime Rates:</u> The proposed Project would not significantly increase crime rates in the City of Burien. Please see Section 3.10 of the DEIS for a description of police services.</p>
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Letter 34: Brian Barnes

	<p><u>Gated Community</u>: Vehicle access to the site would be restricted using a gated entry, but pedestrians would be able to access Seahurst Park through the site.</p> <p><u>Low-Income Residents</u>: The proposed Project is a private development project that would consist of market-rate condominium residences.</p>
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Letter 35: Brian Sepal

1	<p><u>Permanent Tieback Easements</u>: The proposed site development includes placing fill adjacent to the north property line below the Sound Vista Condominiums. Any cuts in the area would be minimal and not require tiebacks. It is unlikely that the Project would require tieback easements from the Sound Vista Condominiums.</p>
2	<p><u>Parking and Access</u>: The proposed Project would provide on-site parking to meet applicable parking requirements of the February 1990 KCC, to which the Project is vested. This would minimize the impact of parking on adjacent roadways. In addition, internal roadways would be designed to meet City of Burien standards for grades and turning radii and would be able to accommodate emergency vehicles. As is typical in the region, school bus routes would be altered during severe weather conditions to maintain safe operations. Please see the response to Letter 4, Comment 16, regarding emergency access and the response to Letter 4, Comment 17, regarding school bus access.</p>
3	<p><u>Removal of Trees Used for Perching by Eagles</u>: Please see the response to Letter 4, Comment 35.</p> <p><u>Impacts on Wildlife</u>: Please see the responses to Letter 4, Comment 35, and to Letter 14, Comment 1.</p>
4	<p><u>Impacts on Forest</u>: The comment is noted.</p> <p><u>Slope Stability</u>: See Section 3.3 of the DEIS and Section 3.5 of the FEIS for information on slope stability.</p> <p><u>School Property</u>: Please see the response to Letter 16, Comment 1, for information on the school property.</p>

Letter 36: Melissa and Cecil Casimir

1	<p><u>Landslide Hazard, Erosion and Drainage</u>: Please see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.</p>
2	<p><u>Traffic Impacts</u>: Please see the response to Letter 6, Comment 2.</p>

Letter 37: Janis Freudenthal

1	<u>Impacts on Seahurst Park and Puget Sound</u> : Each section of Chapter 3 of the DEIS identifies potential direct, indirect, and cumulative impacts on a particular element of the environment and describes proposed mitigation of potential adverse impacts. For some elements of the environment, no significant adverse impacts would result and this is noted in the DEIS.
2	<u>Traffic Impacts</u> : Please see the response to Letter 6, Comment 2. <u>Pedestrian and Vehicular Safety</u> : Please see the response to Letter 15, Comment 3.
3	<u>Seahurst Park Trail</u> : The comment is noted. <u>Hillside Stability</u> : Additional investigation of hillside stability would be necessary as part of the building permit process (DEIS pages 3-51 through 3-54). Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
4	<u>Stormwater Capacity</u> : Section 3.2.3 of the DEIS states that stormwater detention would meet design criteria required by the 2005 <i>King County Surface Water Design Manual</i> , including capacity to accommodate the 25-year design storm volume. Please see the response to Letter 1, Comment 4. <u>Saturation of Landslide-Prone Soils</u> : Please see the response to Letter 1, Comment 6.
5	<u>Landslide Hazard – Off-Site Areas</u> : Mitigating potential adverse impacts on off-site slopes would primarily involve providing lateral support to adjacent uphill properties (see the response to Letter 15, Comment 1), confirming the stability of the proposed fills (see the response to Letter 4, Comment 18), and restricting the contribution of new or additional water to the groundwater or creeks (see the response to Letter 3, Comment 3). The Applicant must comply with all current, applicable regulations related to health and safety, including building codes.
6	<u>Easement for Sewer Line</u> : Please see the response to Letter 4, Comment 42.
7	<u>Pedestrian Access through Site</u> : Please see the response to Letter 34, Comment 1.

Letter 38: Maureen Ellis

1	<u>Wildlife Impacts</u> : The potential adverse impacts of the proposed Project on wildlife are analyzed in Section 3.4 of the DEIS.
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Letter 39: Derrik Muller

1	<u>Applicable Regulations</u> : The comment is noted. See Section 1.3 of the DEIS for information regarding vesting to the 1990 regulations and Section 3.6.1.3 of the DEIS
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Letter 39: Derrik Muller

	for further discussion of vesting regulations.
2	<u>Impacts on Wetlands and Watershed</u> : Please see the response to Letter 7, Comment 1.
3	<u>Pedestrian and Vehicular Safety</u> : Please see the response to Letter 15, Comment 3.
4	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.
5	<u>Sewage Outflow</u> : Sanitary sewer inflow and infiltration is part of the ongoing sanitary sewer operations program of the SWSSD. Sealing manhole rims and other programs would address this existing condition and might be a condition of a sewer approval if the SWSSD determined that it is warranted.
6	<u>Seahurst Park</u> : The Emerald Pointe site consists of private property adjacent to, but not part of, Seahurst Park. Please see the responses to Letter 4, Comment 45, and to Letter 12, Comment 1, for information on impacts of the development on the park.
7	<u>Risk of Environmental Damage</u> : The comment is noted.
8	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.

Letter 40: Marv Jahnke

1	<u>Project History</u> : Please see Section 3.1 of the FEIS.
2	<u>Landslide Hazard – Third Party Review</u> : Whether or not third-party review is warranted would be addressed at the time the City reviews building permit plans.
3	<u>Landslide Hazard – Approving Body</u> : The City of Burien Building Official would have the final authority on building permits for the Project, including determining needed stability information and/or analyses. <u>Tieback Easements</u> : Tieback easements may be required from the Highline School District #401. These tiebacks would provide lateral support for the Project access road. Tieback easements may also be needed from the owners of the apartment complex on the south side of the site. However, this would depend on the final grading scheme; if the tiebacks supporting walls along the south boundary line of the property can be installed entirely within the property limits, then an easement in this location would not be necessary.
4	<u>Parks Mitigation</u> : Please see the response to Letter 4, Comment 46.
5	<u>Emergency Access</u> : The fire access issues identified in the DEIS for Alternative 1 would be addressed as part of the Fire Marshal's future review of building permit(s) and construction plans for the Project. Current standards state that a minimum 20-foot

Letter 40: Marv Jahnke

	turning radius must be provided within the Project for fire access, and that the maximum road and driveway grade is 15%.
6	<u>Design Plans/Construction Compliance:</u> The City of Burien is responsible for reviewing the set of building and grading plans and issuing building and grading permits. The City or its designated representative would perform periodic inspections during construction to ensure compliance with the approved building and grading permits.
7	<u>Flood/Erosion Monitoring:</u> As previously noted, the building permit process would require a complete set of engineering plans and stormwater reports that meet the standards of the 2005 <i>King County Surface Water Design Manual</i> . Please see Section 3.5 of the DEIS for information on wetlands. <u>Corps Involvement:</u> Please see the response to Letter 4, Comment 38.
8	<u>Monitoring of Enforcement of Mitigation:</u> Please see the response for letter 4, Comment 21 and Letter 40, Comment 2.

Letter 41: Marsha Tersigni

1	<u>DEIS Alternatives:</u> Please see the response to Letter 16, Comment 1. <u>Acquisition of Land as Park:</u> Please see the response to Letter 5, Comment 6.
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Letter 42: Catherine Aldridge

1	<u>Landslide Hazard, Erosion, Settling, and Permitting:</u> Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; Letter 4, Comments 18 and 24–26; and Letter 15, Comment 1. A clearing and grading permit would be required if clearing were proposed to occur prior to issuance of building permit(s).
2	<u>Impacts on Wildlife:</u> Please see the response to Letter 5, Comment 4. <u>Removal of Trees Used for Perching, Nesting, and Foraging by Woodpeckers, Eagles, and Peregrine Falcons:</u> Please see the response to Letter 4, Comment 35.
3	<u>Impacts on Fish from Increased Erosion and Runoff, Water Flow:</u> Please see the response to Letter 4, Comment 34. Construction would not proceed over a 10-year period but would take place between 2009 and 2013. Please see the response to Letter 34, Comment 1, for more information.
4	<u>Pedestrian Safety:</u> Please see the response to Letter 4, Comment 13.
5	<u>Noise:</u> Please see the response to Letter 4, Comment 45, for information on

Letter 42: Catherine Aldridge

	construction-related noise. Please see the response to Letter 5, Comment 3 for information on post-construction noise.
6	<u>Parks and Recreation Impacts</u> : Please see the response to Letter 4, Comment 46.
7	<u>Development under Current Code</u> : The comment is noted.
8	<u>Legal Settlement</u> : Please see the response to Letter 21, Comment 10.

Letter 43: Terri Lien

1	<u>Hillside Stability – Lateral Support to Building 10 Sound Vista Condominiums</u> : Please see the response to Letter 15, Comment 1.
2	<u>Removal of Trees</u> : Please see the response to Letter 4, Comment 35.
3	<u>Removal of Large Trees Used for Perching, Foraging, and Nesting by Owls, Eagles, Woodpeckers, and Peregrine Falcons</u> : Please see the response to Letter 4, Comment 35. <u>Impacts on Wildlife</u> : Please see the response to Letter 5, Comment 4.
4	<u>Emergency Services Impacts</u> : The potential adverse impacts of the proposed Project on police services are analyzed in Section 3.10 of the DEIS.
5	<u>Opposition to Project</u> : The comment is noted.
6	<u>Public Notification</u> : Please see the response to Letter 4, Comment 52.

Letter 44: Linda Huddleston

1	<u>Stormwater Quality and Fisheries</u> : The potential adverse impacts of the proposed Project on stormwater quality and quantity and on fisheries in the area are analyzed in Sections 3.2 and 3.4 of the DEIS.
2	<u>Effect on Hillside from Vegetation Removal</u> : Please see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26. <u>Noise and Air Quality Impacts on Seahurst Park Wildlife Inhabitants during Construction</u> : Potential off-site impacts on wildlife in Seahurst Park would be minor. Please see the responses to Letter 4, Comment 45; Letter 5, Comment 4; and Letter 12, Comment 1, for additional information.
3	<u>Traffic Impacts</u> : Please see the response to Letter 6, Comment 2.

Letter 44: Linda Huddleston

4	<u>Impacts of Increased Park Use:</u> Use of Seahurst Park by residents of the proposed development would not create significant adverse impacts on the park. Please see Section 3.9 of the DEIS for a description of potential parks and recreation impacts. Please see the response to Letter 4, Comment 46.
5	<u>Sewage Overflow:</u> Please see the response to Letter 39, Comment 5. <u>Impacts of Vegetation on Runoff:</u> Please see the response to Letter 4, Comment 19.

Letter 45: Linda Huddleston

1	<u>DEIS Comments:</u> The City of Burien is the decision maker under SEPA and is the local permitting jurisdiction. The DEIS was mailed to the Washington State Departments of Ecology and Fish and Wildlife for review and comment, as well as to other agencies with jurisdiction under SEPA. Neither department submitted comments. The comment period on the DEIS was extended from the typical 30 days to 45 days, pursuant to SEPA and City of Burien regulations. Please see Chapter 5 of the DEIS for information on the DEIS distribution list.
2	<u>Statistics on Salmon Spawning:</u> Please see the response to Letter 44, Comment 1.
3	<u>Noise and Air Quality Impacts on Seahurst Park Wildlife Inhabitants during Construction:</u> Please see the response to Letter 44, Comment 2.
4	<u>Traffic Impacts:</u> Please see the response to Letter 6, Comment 2.
5	<u>Impacts of Increased Park Use:</u> Please see the response to Letter 44, Comment 4.

Letter 46: William Tan

1	<u>Impacts on Habitat and Amenities:</u> Please see the response to Letter 7, Comment 1.
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Letter 47: Paula O'Neill

1	<u>Impacts on Habitat and Amenities:</u> Please see the responses to Letter 4, Comment 35, and to Letter 7, Comment 1.
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Letter 48: M. E. Ellis

1	<u>Vesting</u> : Please see the response to Letter 2, Comment 1. See Section 1.3 of the DEIS about vesting to the 1990 regulations.
2	<u>Pollution</u> : Air quality impacts were determined to be less than significant and were not included within the scope of the DEIS. Various local and state regulations would mitigate anticipated effects.
3	<u>Pump Station</u> : Please see the response to Letter 9, Comment 2.
4	<u>Hillside Stability – Lateral Support to Building 10 Sound Vista Condominiums</u> : Please see the response to Letter 15, Comment 1.
5	<u>Groundwater</u> : Please see the responses to Letter 4, Comment 39, related to wetland impacts and to Letter 5, Comment 4, related to water quality.
6	<u>Removal of Bird Habitat (General)</u> : Please see the responses to Letter 4, Comment 35, and to Letter 5, Comment 4. <u>Threatened and Endangered Species, Spotted Owl, Marbled Murrelet</u> : As discussed in the DEIS (page 3-61), Washington Department of Fish and Wildlife records do not list the spotted owl or marbled murrelet as potentially occurring on the Project site, and no sightings of these species have been documented. Section 3.4 of the DEIS discusses impacts on State- and federally listed wildlife species potentially occurring on or near the Project site, including the bald eagle, pileated woodpecker, and peregrine falcon.
7	<u>Forest Habitat Benefits Lost – Air Quality, Wildlife Use</u> : Please see the response to Letter 5, Comment 4, regarding wildlife use and to Letter 5, Comment 6, regarding recreation use and status. <u>Use of Trails/Property by Neighborhood Residents</u> : Please see the response to Letter 34, Comment 1.
8	<u>Views, Noise, Pollution</u> : Please see the response to Letter 4, Comment 43, regarding light and glare; Letter 5, Comment 6, regarding private property development; and Letter 4, Comment 45, for information on construction-related noise. Please see the response to Letter 4, Comment 43, regarding noise generated by the completed development. See Section 3.7 of the DEIS for information regarding aesthetics.

Letter 49: Mike and Allison Dostert

1	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.
2	<u>Impacts on Seahurst Park, Local Wildlife and Habitat, and Marine Habitat</u> : The proposed development Project would result in both short- and long-term impact impacts on wildlife within the Project site. With the implementation of applicable mitigation measures, adverse impacts of the proposed development Project on Seahurst Park, including wildlife, off-site streams, and salmon habitat would be less than significant. No

Letter 49: Mike and Allison Dostert

	<p>adverse impacts on the shoreline at Seahurst Park are anticipated as a result of the proposed Project.</p> <p><u>Stormwater:</u> Both stormwater detention requirements and temporary and permanent erosion control are addressed in the 2005 <i>King County Surface Water Design Manual</i>. There is no information from the existing studies that suggests that the Project would not meet the standards of the 2005 Manual. While runoff from the site would enter the north creek basin, it would not have a significant adverse impact on the stream. The final building plans might require tightlining stormwater discharge in pipes to reduce erosion. See Section 3.4 of the FEIS.</p> <p><u>Landslides:</u> Please see the response to Letter 3, Comment 3.</p> <p><u>Water Quality:</u> Please see the response to Letter 4, Comment 22.</p>
3	<p><u>Public Notice:</u> Please see the response to Letter 4, Comment 52, regarding notification procedures. The FEIS will be posted on the City's website.</p>

Letter 50: David Athearn

1	<p><u>Impacts on Habitat and Amenities:</u> The comment is noted. The Project is legally vested under the 1990 KCC in force at the time of application.</p>
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Letter 51: Kathi Butler

1	<p><u>Damage to Street:</u> Please see the response to Letter 4, Comment 4.</p> <p><u>Traffic Impacts:</u> Please see the response to Letter 4, Comments 11, 12, and 14.</p> <p><u>Pedestrian Safety:</u> A Construction Traffic Management Plan would require the contractor to maintain safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control. Please see the responses to Letter 4, Comments 2 and 13, for additional information regarding pedestrian safety. See Section 3.3 of the FEIS.</p> <p><u>Traffic Congestion:</u> Due to the site's proximity to the signalized intersection at SW 136th Street/Ambaum Boulevard SW, it is expected that most of the Project traffic would use this intersection and travel south on Ambaum Boulevard SW, rather than traveling on 12th Avenue SW. This route is expected to be quicker and more convenient and the Project would not significantly affect 12th Avenue SW.</p> <p>The operational analysis in the DEIS accounts for future growth in the City. Even with the expected growth and the traffic generated by the proposed Project, all study area intersections would operate within their LOS standards.</p>
2	<p><u>Stormwater Impacts:</u> The comment is noted. Please see the response to Letter 4,</p>

Letter 51: Kathi Butler

	Comment 22, regarding stormwater contaminants.
3	<u>Landslide Hazard and Erosion</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
4	<u>Landslide Hazard and Erosion</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 3, Comment 3, and to Letter 4, Comments 23–26.
5	<u>Neighborhood Impact</u> : Section 3.8.2 of the DEIS notes that noise levels created by the proposed development would be typical for a development of this size and would not constitute a significant impact. Section 3.7.3 of the DEIS identified mitigation measures that would decrease impacts of lighting on the surrounding neighborhood.
6	<u>Removal of Large Trees</u> : Please see the response to Letter 4, Comment 35. The Project is vested under 1990 regulations. Current City of Burien zoning regulations, including BMC Chapter 19.25, do not apply to the Project. See Sections 1.3 and 3.6.13 of the DEIS for additional information. <u>Invasive Species Encroachment into Seahurst Park</u> : Please see the response to Letter 22, Comment 4. See Section 3.4.3 of the DEIS for information on landscape maintenance and mitigation measures.
7	<u>Wildlife, Wildlife Trails</u> : Please see the response to Letter 5, Comment 4. <u>ESA-Listed Species</u> : Please see the response to Letter 4, Comments 30–34 and 37.
8	<u>Property Ownership</u> : The Project site consists of three parcels: 7835800252, 7835800280, and 7835800310. According to King County records, all are owned by Westmark Emerald Pointe LLC.
9	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52. <u>Acquisition of Land as Park</u> : The comment is noted. Please see the response to Letter 5, Comment 6.

Letter 52: Judy Healy

1	<u>Birds and Wildlife Affected by the Project; Greenbelt</u> : Please see the responses to Letter 4, Comment 36, and to Letter 5, Comment 4. <u>Sinkhole</u> : Please see the response to Letter 15, Comment 1. <u>Wetlands</u> : Please see the response to Letter 7, Comment 1. <u>Impact on Trails</u> : Please see the response to Letter 34, Comment 1. Please see Section 3.11 of the FEIS for additional information.
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Letter 52: Judy Healy

2	<p><u>Traffic Congestion:</u> The effect of Project-generated trips was evaluated in Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections along Ambaum Boulevard SW to operate below their respective LOS standards.</p> <p>Due to the site's proximity to the signalized intersection at SW 136th Street/Ambaum Boulevard SW and proposed access from SW 136th Street, most of the Project traffic would use this intersection and travel south on Ambaum Boulevard SW, rather than traveling on 12th Avenue SW. This route is expected to be quicker and more convenient and the Project would not significantly affect 12th Avenue SW.</p> <p><u>Impact on Parking:</u> During construction, designated parking areas would be provided on-site for workers to minimize adverse impacts on the roadways adjacent to the site. After the Project is completed, parking for residents and guests would be provided on-site. Please see the response to Letter 4, Comment 41.</p>
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Letter 53: Diane Henderson

1	<p><u>Sewage Treatment System Capacity:</u> Please see the response to Letter 9, Comment 2.</p> <p><u>Backup Systems for Sewage Handling:</u> Sewage handling equipment would meet applicable codes. Please see the responses to Letter 9, Comment 2, and to Letter 39, Comment 5.</p>
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Letter 54: Diane McLaughlin

1	<p><u>Environmentally Sensitive Areas:</u> Please see the response to Letter 7, Comment 1.</p>
2	<p><u>Regulatory Agency (e.g., Corps) Involvement regarding Wetlands:</u> The DEIS describes the Corps' regulatory jurisdiction over wetlands on the Project site in Section 3.5.</p>
3	<p><u>Growth Management Act (GMA):</u> The Project complies with the GMA by encouraging new development to take place within the designated Urban Growth Area of Burien where transportation, utilities, and other public services can be more efficiently and economically provided.</p>
4	<p><u>Federal Endangered Species Act – Listed Species:</u> Section 9(a) of the Endangered Species Act of 1973, as amended (the Act) prohibits the take for listed species without special permit. ("Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect or the attempt to engage in such activities. Harass is defined as actions that create the likelihood of injury to such an extent to significantly disrupt normal behavior patterns that include but are not limited to breeding, feeding, or sheltering." Under the Act, all activities occurring on public or private land on which any federal listed species might exist are prohibited from adversely affecting the federally listed species or its/their habitat. Section 3.4 of the DEIS evaluates potential impacts on federally listed</p>

Letter 54: Diane McLaughlin

	threatened and endangered species potentially present on the Project site and concludes that no federally listed species are known to occur.
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Letter 55: David and Lori Tuben

1	<p><u>Traffic Congestion:</u> Since all study area intersections would operate within their LOS standards, no significant adverse traffic impacts are anticipated. Please see Section 3.1 of the DEIS for information on traffic impacts.</p> <p><u>Development Density:</u> The comment is noted. Proposed residential density is within the limits permitted under the February 1990 KCC. Please see Section 3.6.1.3 of the DEIS for information on applicable zoning and Section 1.3 for information on Project vesting.</p>
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Letter 56: Alissa West

1	<u>Forest, Wildlife, Use of Property by Neighborhood Residents:</u> Comment noted. Please see the response to Letter 5, Comment 4.
2	<u>Public Notice:</u> Please see the response to Letter 4, Comment 52, regarding notification procedures.
3	<u>Landslide Hazard – General:</u> Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
4	<u>Sewage Plans:</u> Final sewer plans would require submittal to the sewer district for approval, based on current codes. Please see the response to Letter 9, Comment 2, for information on sewer capacity.
5	<u>Invasive Plant Species Weed Seeds in Fill Dirt Used for Project:</u> Comment noted. Please see the response to Letter 22, Comment 4.

Letter 57: Petition (multiple signatories)

1	<u>Land Instability:</u> Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
2	<u>Health and Safety of Residents:</u> Public safety issues are analyzed in Section 3.10 of the DEIS. The proposed single vehicular access point to the Project was not identified by either the King County Sheriff or Fire District 2 as an adverse impact requiring mitigation.

Letter 57: Petition (multiple signatories)

3	<u>Endangered Species</u> : Section 3.4.2 of the DEIS addresses impacts on legally protected species (State- and federally listed species). No impacts on protected species are anticipated as a result of the proposed development Project.
4	<p><u>Stormwater Impacts</u>: Stormwater treatment (i.e., water quality) would meet standards identified in the 2005 <i>King County Surface Water Design Manual</i>. Please see the response to Letter 4, Comment 22.</p> <p><u>Wetland Contamination</u>: Please see the response to Letter 4, Comment 22.</p> <p><u>Wastewater Treatment</u>: Section 3.11.2 of the DEIS addresses impacts on utilities, including wastewater (sewer). Please see the response to Letter 4, Comment 42, for additional information on sewage disposal.</p>

Letter 58: R. W. Thorpe

1	<u>Retaining Walls</u> : This response to public comments is noted.
2	<u>Transportation/Site Access</u> : This response to public comments is noted.
3	<u>Posting and Distribution of Public Notice</u> : This response to public comments is noted.
4	<u>Zoning</u> : This response to public comments is noted. In fact, the site comprises three parcels, two zoned RM-1800 and one zoned RM-2400.
5	<u>Sewer Infrastructure</u> : This response to public comments is noted.
6	<u>Sewer Infrastructure</u> : This response to public comments is noted.
7	<u>Storm Drainage</u> : This response to public comments is noted.
8	<u>Storm Drainage</u> : This response to public comments is noted.
9	<u>Storm Drainage</u> : This response to public comments is noted. See Section 3.3.2 of the DEIS.
10	<u>Storm Drainage</u> : The adjacent wetland does have a connection to salmonid habitat areas below the site. However, measures to minimize effects of the proposed Project on aquatic resources downslope are incorporated into the Project design. Please see the responses to Letter 4, Comment 39. The DEIS discusses impacts on fisheries (Section 3.4) associated with increased surface runoff from impervious surfaces installed as part of the Project. Mitigation measures described in Sections 3.4.3 and 3.5.3 of the DEIS would reduce impacts on fish habitat to minor levels, but would not entirely eliminate them.
11	<u>Storm Drainage</u> : This response to public comments is noted.

Letter 58: R. W. Thorpe

12	<u>Liquefaction/Soil Instability</u> : This response to public comments is noted.
13	<u>Public Services</u> : This response to public comments is noted.
14	<u>Trail Impact/Loop Disruption</u> : This response to public comments is noted. Please see Section 3.11 of the FEIS for additional information.

4.4 Responses to Public Hearing Comments

This section provides responses to the comments made at the September 18, 2007, public hearing on the DEIS. The public transcript documents the comments made at the hearing (refer to Appendix A of the FEIS to read public transcript comments). As described previously, comments that express an opinion or preference are acknowledged with a response that indicates the comment is “noted” and will be directed to appropriate decision makers, if applicable. Where a comment requests additional information, clarifications, or corrections, the response provides an explanation of the approach to the analysis or other technical information necessary to address the comment.

Public Transcript: Catherine Aldridge

1	<u>Landslide Hazard – General</u> : Please see the response to Letter 8, Comment 2 regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18 and 24–26.
2	<u>Clearing and Grading Permits</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. A clearing and grading permit would be required if clearing were proposed to occur prior to issuance of the building permit(s).
3	<u>Erroneous Directions</u> : The comment does not identify where these errors are located. The text has been searched and these errors have not been located.

Public Transcript: Terrence Heil

4	<u>Seahurst Park Trails</u> : Please see the response to Letter 34, Comment 1. Please see Section 3.11 of the FEIS for additional information.
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Public Transcript: Bea Gomez

5	<u>Hillside Stability – Lateral Support – Building 10 Sound Vista Condominiums</u> : Please see the response to Letter 15, Comment 1.
6	<u>Use of Land as Park</u> : The Project site is privately owned and is not part of Seahurst Park. The City cannot prohibit development of private property in order for the property to be used for public park land. Please see the response to Letter 5, Comment 6.

Public Transcript: Jim Anzalone

7	<u>Seahurst Park Trails</u> : Please see Section 3.11 of the FEIS for additional information.
8	<u>Impacts of Increased Park Use</u> : Please see the response to Letter 44, Comment 4.
9	<u>Pollutant Removal</u> : Please see the response to Letter 4, Comment 22.

Public Transcript: Sheryl Knowles

10	<u>Impacts on Habitat and Amenities</u> : The comment is noted.
11	<u>Stormwater Quantities</u> : Please see the response to Letter 1, Comment 4, for the response regarding stormwater detention requirements. Please see the response to Letter 4, Comment 19, for the response regarding the impact of tree removal on runoff quantities.

Public Transcript: Cindy Willis

12	<u>Public Notice</u> : Please see the response to Letter 21, Comment 1, regarding the vicinity map included with the public notice; the response to Letter 4, Comment 52, regarding adequacy of notice; and the response to Letter 7, Comment 2, regarding scheduling of another hearing.
13	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6 regarding acquisition of the Project site and the response to Letter 7, Comment 1, regarding critical areas.
14	<u>Additional Public Hearings</u> : The City has complied with public hearing requirements associated with issuance of a DEIS. The City accepted written comments until the end of the designated comment period. Please see the response to Letter 7, Comment 2.
15	<u>Opposition to the Project</u> : The comment is noted.

Public Transcript: Cindy Miller

16	<u>Water Quality and Salmon</u> : Potential Project impacts on water quality in North Creek and on salmon habitat in the creek and nearshore habitat would be related primarily to potential erosion and off-site sediment transport (increased sediment in streams could degrade salmon spawning habitat and clog the gills of fish), and to stormwater runoff from new impervious surfaces. The Project incorporates measures to avoid, minimize, or mitigate potential impacts on water quality and salmon habitat. Responses to other comments address these issues. Please see the responses to Letter 1, Comments 4–6, and Letter 22, Comments 9 and 10.
17	<u>Environmental Organizations</u> : The comment is noted.
18	<u>Pedestrian Safety</u> : The 1,178 daily trips described in the DEIS refers to the number of daily trips associated with buildout of the proposed Project and not to the number of heavy-vehicle trips generated by the construction activity. Most of these trips would be passenger car trips generated by residents of Emerald Pointe. The effect of these trips was evaluated in the Section 3.1 of the DEIS. As discussed, these additional trips would not cause any of the study area intersections to operate below their respective LOS standard. In addition, a Construction Traffic Management Plan would require that the contractor maintain safe pedestrian and vehicular circulation adjacent to the construction site through the use of temporary walkways, signs, and manual traffic control. See Section 3.3 of the FEIS.
19	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52. Currently, City public notices are not printed in Spanish or other languages besides English.

Public Transcript: Melessa Rogers

20	<u>Current Zoning</u> : Please see Section 3.6.1.3 of the DEIS for information regarding land use, zoning, and Project vesting. Also see Section 1.3 for additional vesting information.
21	<u>Vesting</u> : Please see the responses to Letter 2, Comment 1, and to Public Transcript Comment 20.
22	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52, regarding notification procedures. The commenter was mailed a notice of the DEIS and hearing, although it appears that it was not delivered by the U.S. Postal Service. The envelope containing the notice was not returned to the City.
23	<u>Traffic Impacts and Pedestrian Safety</u> : The effect of trips generated by the proposed Project was evaluated in Section 3.1 of the DEIS. These additional trips would not cause any of the study area intersections along Ambaum Boulevard SW to operate below their respective LOS standards. Please see the response to Letter 4, Comment 2. In addition, a Construction Traffic Management Plan would require the contractor to maintain safe pedestrian and vehicular circulation adjacent to the construction site

Public Transcript: Melessa Rogers

	through the use of temporary walkways, signs, and manual traffic control. See Section 3.3 of the FEIS.
24	<u>Impact on Wildlife</u> : Please see the response to Letter 5, Comment 4.
25	<u>Impacts on Vegetation</u> : Page 3-64 of the DEIS describes the removal of 7.4 acres of upland forest and wildlife habitat. <u>Runoff and Landslides</u> : Please see the response to Letter 1, Comment 4.
26	<u>Impacts on Neighborhood</u> : The comment is noted.

Public Transcript: Maureen Ellis

27	<u>Opposition to the Project</u> : The comment is noted.
28	<u>Sewage System</u> : Please see the response to Letter 9, Comment 2.

Public Transcript: Janis Freudenthal

29	<u>Easement for Sewer Line</u> : Please see the response to Letter 4, Comment 42.
30	<u>Seahurst Park Trails</u> : Please see the response to Letter 34, Comment 1. Please see Section 3.11 of the FEIS for additional information.

Public Transcript: Karl Neal

31	<u>Impacts on Watershed</u> : The comment is noted.
32	<u>Landslide Hazard and Settling</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 4, Comments 18 and 24–26, and to Letter 15, Comment 1.
33	<u>Position of Project Site at Top of Watershed, Impacts on Trout and Salmon</u> : The DEIS identifies sensitive areas (wetlands) located on-site that are headwaters of the stream system downslope. Measures to protect the wetlands and minimize effects of the propose Project on aquatic resources downslope are incorporated into the Project design. Please see the responses to Letter 4, Comment 39. The DEIS discusses impacts on fisheries (Section 3.4) associated with increased surface runoff from impervious surfaces installed as part of the Project. Mitigation measures described in Section 3.4.2 and 3.5.3 of the DEIS would reduce impacts on fish habitat to minor levels, but would not entirely eliminate them. Please see the response to Letter 1, Comment 3, for additional information regarding impacts on fish.

Public Transcript: Toni Lysen

34	<u>Emergency Services</u> : Please see the response to Letter 5, Comment 3.
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Public Transcript: King Lysen

35	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.
36	<u>Elimination of Water Flow to Headwater Area in Watershed; Impacts on Trout and Salmon</u> : Please see the response to Public Transcript Comment 33.

Public Transcript: Ashley Rowan

37	<u>Landslide Hazard, Erosion, Settling, and Permitting</u> : Please see the response to Letter 8, Comment 2, regarding hillside stability. Also see the responses to Letter 1, Comment 4; Letter 3, Comment 3; Letter 4, Comments 18 and 24–26; and Letter 15, Comments 1. A clearing and grading permit would be required if clearing were proposed to occur prior to issuance of the building permit(s).
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Public Transcript: Mark Pival

38	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.
39	<u>Opposition to the Project</u> : The comment is noted.
39a	<u>Additional Public Hearings</u> : Please see the response to Letter 7, Comment 2.

Public Transcript: Robert Thorpe

40	<u>Trail Connection through Project</u> : Please see Section 3.11 of the FEIS for additional information.
41	<u>Familiarity with Property</u> : The comment is noted.
42	<u>Vested Zoning</u> : The comment is noted.

Public Transcript: Kathi Butler

43	<u>Opposition to the Project</u> : The comment is noted.
44	<u>Trail Access</u> : Alternative 2 has been revised to show retention of the existing trail through the northwest corner of the Project site to trails in Seahurst Park; this would retain a functional “loop trail.” Please see Section 3.11 of the FEIS for additional information. <u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.

Public Transcript: Michael Willis

45	<u>Acquisition of Land as Park</u> : Please see the response to Letter 5, Comment 6.
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Public Transcript: Linda Huddleston

46	<u>Sewage</u> : The comment is noted. Please see the response to Letter 39, Comment 5.
47	<u>Landslide Hazard and Erosion</u> : Please see the responses to Letter 1, Comment 4; Letter 3, Comment 3; and Letter 4, Comments 18, 19, and 24–26.
48	<u>Landslide Hazard and Erosion</u> : Please see the responses to Letter 3, Comment 3, and Letter 4, Comments 18, 19, and 24–26.
49	<u>Opposition to the Project</u> : The comment is noted.
50	<u>Sewage Overflow</u> : Please see the response to Letter 39, Comment 5.
51	<u>Impacts on Habitat</u> : The comment is noted.

Public Transcript: Nicky Hays Amodeo

52	<u>Protection of Habitat</u> : The comment is noted.
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Public Transcript: Tesfaye Belihu

53	<u>Impacts of Increased Park Use</u> : Please see the response to Letter 44, Comment 4.
54	<u>Age of Reports</u> : The DEIS uses the best available data to describe the affected environment, impacts, and mitigation measures. This includes both information

Public Transcript: Tesfaye Belihu

	obtained in the 1990s and information obtained more recently.
55	<u>Impact on Affordability</u> : The comment is noted.

Public Transcript: David Rosser

56	<u>Opportunities for Recreation</u> : The comment is noted.
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Public Transcript: Glenn Krantz

57	<u>Peak Storm Events</u> : Please see the response to Letter 37, Comment 4.
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Public Transcript: Lisa Olson

58	<u>Concern about Impact on Wildlife Associated with Marine Tech Lab at Seahurst Park</u> : Please see the response to Letter 1, Comment 3.
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Public Transcript: Terry Westmoreland

59	<u>Historical Status of Trails</u> : The City of Burien's scoping process did not identify Historical and Cultural Preservation as an element to be included in the EIS. As required by State and federal laws, standard procedures for addressing any cultural resources that may be encountered during construction would be implemented.
60	<u>Impact on Vegetation</u> : The proposed Project is located on private property. No construction would take place on Seahurst Park property

Public Transcript: Brian Stapleton

61	<u>Impacts on Habitat</u> : The comment is noted.
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Public Transcript: John Del Vento

62	<u>Broadcast of Hearing</u> : The only City meetings telecast on Channel 21 are City Council business meetings and study sessions.
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Public Transcript: John Del Vento

63	<u>Seahurst Park Trails</u> : Please see the response to Letter 34, Comment 1. Please see Section 3.11 of the FEIS for additional information.
64	<u>Access Easement</u> : Please see the response to Letter 2, Comment 3.

Public Transcript: Melissa Thomas

65	<u>Public notice</u> : Please see the response to Letter 4, Comment 52.
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Public Transcript: King Lysen

66	<u>Acquisition of Land as Park</u> : The comment is noted. Please see the response to Letter 5, Comment 6.
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Public Transcript: Ashley Rowan

67	<u>Opposition to the Project</u> : The comment is noted.
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Public Transcript: Melessa Rogers

68	<u>Public Notice</u> : Please see the response to Letter 4, Comment 52.
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